REMARKS/ARGUMENTS

In view of both the amendments presented above and the following discussion, the Applicant submits that none of the claims now pending in the application is anticipated under the provisions of 35 USC § 102. Thus, the Applicant believes that the pending claim is now in allowable form.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in the claim now pending in the application, the Examiner should telephone Ms. Alberta A. Vitale, Esq., at (203) 469-8097 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Specification amendments

The specification has been amended to overcome the objections of page 2, paragraph 1 of the Office action (paper no. 12). The words "comprising" and "comprises" have been replaced with the words "including" and "includes", respectively. Applicant respectively requests that the objection be withdrawn.

The Title of the Invention has been amended to overcome the objection of page 2, paragraph 2 of the Office action (paper no. 12). Applicant has amended the title to be "indicative of the invention to which the claims are directed." Applicant respectfully requests that the objection be withdrawn.

Appl. No. 09/554,344
Amdt. Dated July 6, 2004
Reply to Office Action of April 4, 2004

Status of pending claims

Claim 2 remains as previously presented. No claims have been canceled or amended.

35 USC § 102 Rejections

The Office action has rejected claim 2 under the provisions of 35 USC § 102 as being anticipated over the teachings in the Conoscenti patent (United States patent 5,627,836 issued to Lisa Conoscenti et al on May 6, 1997 (hereinafter Conoscenti '836)). This rejection is respectfully traversed in the foregoing remarks.

Applicant will address the 35 USC § 102 rejection as it pertains to each and every element of claim 2. Claim 2 is recited as follows:

> An ATM network comprising a physical network with different stations, wherein a stream of ATM cells is transferred from at least one source station to a group of different destination stations via a virtual transmission path between the source station and said different destination stations in the network, said virtual transmission path being distinguished by ATM cells to which a corresponding virtual path identifier (VPI_1) has been assigned, the virtual path with said virtual path identifier (VPI_1) comprising various virtual connections, each of said virtual connections being distinguished by ATM cells to which a corresponding virtual connection identifier ($VCI_{(1,..n)}$) has been assigned, said group of different destination stations being subdivided into various subgroups of the

> destination stations, each of the destination stations in each of the subgroups detect VPIs and VCIs associated with the ATM cells appearing at said each station and accept only those ATM cells having a VPI equal to the VPI of said virtual path of the group of the destination stations and a VCI equal to the VCI of the virtual connection of said each subgroup of the destination stations.

Claim 2 was rejected as being unpatetentable over Conoscenti '836. The Office action (paper no. 12) at paragraph 5 stated that:

> Conoscenti et al discloses an ATM backbone network 15 (physical network) (column 5, 13-14).
>
> Conoscenti et al further discloses a source 11 (source station) that supplies ATM cells (stream of ATM cells) containing digitized broadcast information via network 15 (column 6, lines 8-10).
>
> Conoscenti et al further discloses subscriber stations 17 (destination stations) (column 7, lines 30-31).
>
> Conoscenti et al further discloses both a virtual path identifier (VPI) and a virtual channel identifier (VCI) in the administration of an ATM network so that subscribers capture (distinguish) the correct cells (column 6, lines 60-63).
>
> The VPI (virtual path identifier) identifies the provider of a program or service (column 6, line 66 - column 7, line 2).
>
> The VCI (virtual connection identifier) identifies the broadcast channel (column 7, lines 2-3).
>
> Subscribers that employ the same provider constitute a group (group). The instance in which

> two subscribers access the same broadcast service, identified by the VCI, is an instance in which these two subscribers form a subgroup (subgroup).

(Emphasis added and separation provided between each citation for ease of reading).

Applicant has reviewed the rejection including the citations to Conoscenti and will address the individual citations of the rejection below.

Regarding the statement that "Conoscenti et al discloses an ATM backbone network 15 (physical network) (column 5, 13-14)" (Office action, page 3, para. 4, emphasis added), Applicant respectfully notes that Column 5, lines 13-14 particularly states "FIG. 1 therefore provides a generic illustration of the transport network 15 . . . the Network comprises an ATM backbone network 15." Conoscenti does not disclose the same physical network in the same configuration as that of Applicant.

Regarding the statement that Conoscenti " further discloses a source 11 (source station) that supplies ATM cells (stream of ATM cells) containing digitized broadcast information via network 15 (column 6, lines 8-10)" (Office action, page 3, para. 4, emphasis added), Applicant respectfully notes that Column 6, lines 8-10 particularly state "[a] source 11 will supply the ATM cells containing digitized broadcast information for a broadcast service to the network 15 at all times that the service is to be available through the network." Conoscenti does not disclose the same source station or stream of ATM Cells in the same configuration as that of Applicant.

Regarding the statement that Conoscenti further discloses subscriber stations 17 (destination stations) (column 7, lines 30-31)" (Office action, page 3, para. 4, emphasis added), Applicant respectfully note that Column 7, lines 30-31 particularly state "element 19 and various information input by subscribers through their respective terminals 17.sub.1 to 17.sub.n." Conoscenti does not disclose the same destination stations in the same configuration as that of Applicant.

Regarding the statement "Conoscenti et al further discloses both a virtual path identifier (VPI) and a virtual channel identifier (VCI) in the administration of an ATM network so that subscribers capture (distinguish) the correct cells (column 6, lines 60-63)" (Office action, page 3, para. 4, emphasis added), Applicant respectfully notes that Column 6, lines 60-65 particularly state "[d]epending on the precise transport architecture, it may also be necessary to inform the terminal of the VPI/VCI value to capture and process the correct cells. The ATM cell processing elements (switches, multiplexers, etc.) at the nodes of the ATM backbone network 15.sub.1 do not translate the VPI value or the VCI value for the broadcast services." The Office action appears to imply that Applicant's use of the word "distinguish" is anticipated by Conoscenti's "capture". (Emphasis added). Applicant respectfully disagrees. Applicant's "distinguish", in claim 2 is used as follows "said virtual transmission path being distinguished by ATM cells to which a corresponding virtual path identifier (VPI_1) has been assigned" (emphasis added) and "said virtual path identifier (VPI_1) comprising various virtual connections, each of said virtual

connections being distinguished by ATM cells to which a corresponding virtual connection identifier (VCI $_{(1,..n)}$) has been assigned." (Emphasis added). This is clearly not the same as Conoscenti's "inform the terminal of the VPI/VCI value to capture and process the correct cells."

Regarding the statement "[t]he VPI (virtual path identifier) identifies the provider of a program or service (column 6, line 66 - column 7, line 2)" (Office action, page 3, para. 4, emphasis added), Applicant respectfully notes that Column 6, line 66 - column 7, line 3 particularly states "[a]s discussed in more detail below, the VPI value in a broadcast service cell stream identifies the broadcast VIP providing the service, and at least in the preferred embodiment, the VCI value identifies the broadcast channel carrying the particular broadcast program service." Conoscenti does not disclose the same VPI in the same configuration as that of Applicant.

Regarding the statement "[t]he VCI (virtual connection identifier) identifies the broadcast channel (column 7, lines 2-3, emphasis added) (Office action, page 3, para. 4), Applicant respectfully notes that Column 7, lines 2-3 state "the VCI value identifies the broadcast channel carrying the particular broadcast program service" Conoscenti does not disclose the same virtual connection identifier in the same configuration as that of Applicant's virtual connection identifier.

Regarding the statement "Subscribers that employ the same provider constitute a group (group). The instance in which two subscribers access the same broadcast service,

identified by the VCI, is an instance in which these two subscribers form a subgroup (subgroup)." (Office action, page 3, para. 4, emphasis added), Applicant respectfully notes that this portion of the rejection does not provide a citation to Conoscenti. Applicant has reviewed Conoscenti in an attempt to attribute this statement to Conoscenti. Nowhere in Conoscenti is there any teaching or suggestion of the statement regarding "subgroup[s]." The only group referred to in Conoscenti is a group of MPEG files. (See eg., Conoscenti, col. 8, lines 30-35). Applicant respectfully notes that in order to be an anticipating reference, Conoscenti must teach each and every element of Applicant's claimed invention.

Assuming arguendo that the Conoscenti reference, through the citations of the Office action taught the elements of claim 2, Applicant respectfully notes that "anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration" W.L. Gore & Assocs. V. Garlock. Inc., 220 USPQ 303, 313 (Fed. Cir. 1983). It is not enough that the reference, such as Conoscenti in the present application, disclose all the claimed element in isolation. Rather, in order to be an anticipating reference, Conoscenti must disclose each element of the claimed invention arranged as in the claim. Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984). Thus, if the arrangement of the Applicant's claim 2 elements is different from the arrangement of the Conoscenti elements, as would be in the present claim 2 in comparison with Conoscenti, anticipation is not present.

Appl. No. 09/554,344
Amdt. Dated July 6, 2004
Reply to Office Action of April 4, 2004

Conclusion

Thus, the Applicant submits that the claim, presently in the application, is not anticipated under the provisions of 35 USC § 102.

Consequently, the Applicant believes that the claim is presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

July 6, 2004

Peter L. Michaelson, Attorney
Reg. No. 30,090
Customer No. 007265
(732) 530-6671

MICHAELSON & ASSOCIATES
Counselors at Law
Parkway 109 Office Center
328 Newman Springs Road
P.O. Box 8489
Red Bank, New Jersey 07701

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

Kimberly S. Brown
Type or print name of person signing certification

Kimberly S. Brown
Signature

July 6, 2004
Date

(p93amd/ksb/133)